

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,  
BIOPTIX, INC., JOHN O'ROURKE,  
JEFFREY G. MCGONEGAL, BARRY  
HONIG, CATHERINE  
DEFRANCESCO, MICHAEL  
BEEGHLEY, JOHN STETSON, MARK  
GROSSMAN, ANDREW KAPLAN,  
MIKE DAI, JASON LES, and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293(FLW)(ZNQ)

MOTION DATE: November 18, 2019

**ORAL ARGUMENT REQUESTED**

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**NOTICE OF DEFENDANTS' MOTION TO STRIKE THE DECLARATION  
OF JOSEPH J. DEPALMA, INCLUDING ALL EXHIBITS ATTACHED  
THERE TO, IN SUPPORT OF LEAD PLAINTIFF'S OMNIBUS  
OPPOSITION TO MOTIONS TO DISMISS**

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PLEASE TAKE NOTICE that on November 18, 2019, or at such other date as may be set by the Court, Defendants Riot Blockchain, Inc., John O'Rourke, Jeffrey G. McGonegal, Michael Beeghley, Andrew Kaplan, Jason Les, and Eric So, by and through their undersigned attorneys, will move the Honorable Freda L. Wolfson, United States District Judge, Clarkson S. Fisher Building & Courthouse, 402 East State Street Room 2020, Trenton, New Jersey 08608, for an Order pursuant to Rules 12(f) and 15(a)(2) of the Federal Rules of Civil Procedure, striking the Declaration of Joseph J. DePalma In Support of Lead Plaintiff Dr. Stanley Golovac's Omnibus Memorandum of Law in Opposition to Defendants' Motions to Dismiss and all of the exhibits attached thereto (Dkt. No. 136-1) (the "DePalma Declaration") in the above-captioned matter:

1. Paragraphs 1 through 3 of the DePalma Declaration; and,
2. Exhibits 1 through 47 attached to the DePalma Declaration.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely on this Notice of Motion, the accompanying Memorandum of Law, and on such other written and oral argument as may be presented to the Court as well as all pleadings and proceedings had to date herein.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

DATED: October 22, 2019

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By: /s/ Chad J. Peterman

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